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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 402200)

In re the Application of:)
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William R. Wells et al.)
)
Serial No.: 09/491,899)
)
Filed: January 27, 2000)
)
For: GAMING TERMINAL AND SYSTEM WITH)
BIOMETRIC IDENTIFICATION)

Art Unit: 2131

TO: MAIL STOP: INTERFERENCE
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INTERFERENCE APPEALS

REQUEST FOR INTERFERENCE UNDER 37 C.F.R. § 1.607

Pursuant to the provisions of 37 C.F.R. Section 1.607, applicants Wells et al. request the declaration of an interference between the present application and Bradford et al. U.S. Patent No. 6,612,928 ("the '928 patent"), apparently assigned to Sierra Design Group. The present application is assigned to IGT.

THE FOLLOWING COUNT I IS PROPOSED:

- I. A method for creating a player identification usable in a gaming environment and having at least two authenticators, the method comprising:**
- (a) creating a first authenticator;**
 - (b) entering at least one more authenticator in the form of biometric data;**
 - (c) associating said first authenticator and said at least one more authenticator with a player;**

(d) providing player identification at a game device having an associated biometric reader using said first authenticator and at least one of said at least one more authenticators, where said first authenticator is a data storage device.

At least claim 1 of the '928 patent corresponds substantially to proposed Count I in that it is not identical to Count I but defines the same patentable invention under 35 U.S.C. § 103, assuming that Count I constituted prior art. The data storage devices set forth in claim 1 of the '928 patent are obvious species of data storage devices.

Applicants' application as filed contain claims 1-20. An Amendment adding new claim 21 corresponding substantially to claim 1 of the '928 patent and corresponding exactly to proposed Count I is submitted herewith.

The subject matter of claim 21, which corresponds exactly to Count I, is disclosed in the present specification and drawings. Applicants' invention concerns a method for creating a player identification usable in the gaming environment and having at least two authenticators. See specification page 1, lines 1-4:

"The present invention relates to a gaming system organizer terminal, such as a slot machine, electronic card game terminal and the like, including a biometric facility and, in particular, a gaming system or terminal and biometric facility identifying, or verifying identity of, a player or wagerer."

In one embodiment, the two authenticators comprise (1) the account access authorization 242 and (2) the biometric data, see specification page 6, line 7 to page 7, line 12 and Fig. 2. The first authenticator is created by creating a smart card, see page 4, line 19 to page 5, line 10. At least one more authenticator in the form of biometric data is entered, see page 6, line 29 to page 7, line 2. The first authenticator and the biometric data are associated with a player, see paragraph bridging pages 6 and 7. Player identification is provided at a game device having an associated biometric reader

using the first authenticator and at least the biometric data, see paragraph bridging pages 6 and 7 and Fig. 2. The first authenticator is a data storage device, see page 5, line 26 to page 6, line 8.

THE FOLLOWING COUNT II IS PROPOSED:

II. A method for creating a player identification usable in a gaming environment and having at least two authenticators, the method comprising:

- (a) creating a first authenticator;**
- (b) entering at least one more authenticator in the form of biometric data;**
- (c) associating said first authenticator and said at least one more authenticator with a player and further identifying said first authenticator as an authenticator that will be the authenticator used for searching and identifying said player in a player identification database; and**
- (d) providing player identification at a game device having an associated biometric reader using said first authenticator and at least one of said at least one more authenticators.**

At least claim 2 of the '928 patent corresponds substantially to proposed Count II in that it is not identical to Count II but it defines the same patentable invention under 35 U.S.C. § 103. The use of the first authenticator as the "initial" authenticator would be unpatentable over proposed Count II under 35 U.S.C. § 103, assuming that proposed Count II constituted prior art.

The Amendment submitted herewith adds new claim 22 corresponding exactly to proposed Count II. The subject matter of claim 22 is disclosed in applicants' specification and drawings as follows:

Applicants' invention concerns a method for creating a player identification usable in the gaming environment and having at least two authenticators. See specification page 1, lines 1-4:

"The present invention relates to a gaming system organizer terminal, such as a slot machine, electronic card game terminal and the like, including a biometric facility and, in particular, a gaming system or terminal and biometric facility identifying, or verifying identity of, a player or wagerer."

In one embodiment, the two authenticators comprise (1) a PIN, password or similar code (page 10, lines 15-18) and (2) the biometric data, see specification page 10, line 17. The first authenticator is created by storing data in a central computer (database), see page 10, lines 8-28. At least one more authenticator in the form of biometric data is entered, see page 10, lines 8-28. The first authenticator and the biometric data are associated with a player, see page 10, lines 15-18.

The first authenticator is an authenticator that will be the authenticator used for searching and identifying the player in a player identification database, see page 10, lines 15-18. Player identification is provided at a game device having an associated biometric reader using the first authenticator and the biometric data, see page 10, lines 14-23, and Fig. 2.

THE FOLLOWING COUNT III IS PROPOSED:

III. A method for enabling electronic transfers using at least two authenticators where any authenticator that is not the first authenticator uses biometric data, in a gaming environment while using a game device having an associated biometric reader, the method comprising:

(a) having a first authenticator readable by a reader associated with said game device;

(b) having a second authenticator different from said first authenticator and readable by a reader associated with said game device;

(c) having an entry in a player identification database, where said entry further comprises first authenticator data and second authenticator data;

(d) uniquely associating a player using a game device with an entry in said player identification database and recognizing a player request for an electronic transfer;

(e) acknowledging a desired electronic transfer;

(f) using said second authenticator to confirm and authorize said desired electronic transfer.

Claim 32 of the '928 patent corresponds exactly to proposed Count III.

Applicants' Amendment submitted herewith adds new claim 23, corresponding exactly to proposed Count III. The subject matter of claim 23 is specifically disclosed in the specification and drawings of the present application, as follows: The present specification discloses a method for enabling electronic transfers using at least two authenticators, see page 10, lines 14-28. The first authenticator is a PIN, password or similar code (page 10, line 18) and the second authenticator is the biometric data (page 10, line 17). There is a fingerprint scan at a biometric reader (page 6, lines 20-25). The first identification is read by a reader associated with a game device, see page 10, lines 15-18 in which a PIN is entered. The second authenticator is the biometric data that is different from the PIN and is read by a reader associated with the game device (see page 10, lines 15-28). A player identification database has an entry comprising PIN data and biometric data, (page 10, lines 15-28). A player is uniquely associated using a

game device with an entry in the player identification database and the player's request is recognized for an electronic transfer (page 10, lines 15-18; page 12, lines 8-22). The desired electronic transfer is acknowledged, see page 10, lines 2-5; page 12, lines 20-22; and Fig. 2. The biometric data (second authenticator) is used to confirm and authorize the desired electronic transfer (page 7, lines 3-5; page 12, lines 20-22; and Fig. 2).

It is noted that applicants claim the benefit of U.S. provisional patent application Serial No. 60/153,745, filed September 13, 1999.

It is requested that an interference be declared, with applicants being the senior party.

Respectfully submitted,
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Registered Attorney for Applicant
Date: October 7, 2003